

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

OTIS DAY PRIMES,

Petitioner,

v.

CUEVA,

Respondent.

No. 2:24-cv-3018 SCR P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.¹ Petitioner has not, however, filed an in forma pauperis affidavit or paid the required filing fee (\$5.00). See 28 U.S.C. §§ 1914(a); 1915(a). Petitioner will be provided the opportunity to either submit the appropriate affidavit in support of a request to proceed in forma pauperis or submit the appropriate filing fee.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Petitioner shall submit, within thirty days from the date of this order, an affidavit in support of his request to proceed in forma pauperis or the appropriate filing fee.

2. Petitioner's failure to comply with this order will result in a recommendation that this action be dismissed.

¹ Petitioner used the form for a habeas corpus application pursuant to 28 U.S.C. § 2241. The court will disregard this procedural defect and properly construe the habeas petition as filed pursuant to 28 U.S.C. § 2254 since petitioner is challenging his state court conviction.

1 3. The Clerk of the Court is directed to send petitioner a copy of the in forma pauperis
2 form used by this district.

3 DATED: February 27, 2025

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6 SEAN C. RIORDAN
7 UNITED STATES MAGISTRATE JUDGE
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